



March 8, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N. W.
Room 222
Washington, D. C. 20554

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Re: Telecommunications Services - Inside Wiring, Customer Premises
Equipment. CS Docket No. 95-184

Dear Mr. Caton:

We are writing in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995, regarding telephone and cable wiring inside buildings. We enclose four (4) copies of this letter, in addition to the original.

We are concerned that any action by the FCC regarding access to private property by large numbers of communication companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us.

Background

First Union Management, Inc. is in the commercial real estate business. We presently own and operate six commercial multi-story office buildings, in

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four different markets totaling over 1,300,000 square feet. These existing buildings, designed with small telecommunication closets and served by limited electrical service, have already been adversely impacted by the breakup of ATT, which left miles of unwanted cable and abandoned telecommunications equipment within these cramped quarters. Today, due to the large number of telecommunication suppliers and repair companies, it is quite common for tenants in multi-tenant buildings to experience cross-overs, erratic behavior of equipment due to the inadvertent tampering of the actual lines or power source. With these existing problems in mind, I respectfully request that the Commission address the following issues.

Issues Raised by the FCC's Notice

The FCC's request for comments raises the following issues of concern to us: access to private property; location of the demarcation point; standards for connection and inadvertent damage to adjacent equipment; regulation of wiring; and customer access to wiring and under floor wiring runs.

1. Access to Private Property

We are sure you will appreciate that modern telecommunications is critically important to our commercial tenants. No business can survive in today's economy without effective and up-to-date telecommunications services.

For that reason, it is equally important for us to ensure that our tenants receive all of the services they desire at a reasonable cost. The commercial real estate business is fiercely competitive, and if we did not provide our tenants with access to the latest telecommunication services, we could not survive ourselves.

Government intervention, however, is neither necessary nor desirable to ensure that telecommunications service providers can serve our tenants. Indeed, we believe that such intervention could have the unintended effect of interfering with our ability to effectively manage our properties. Building owners and managers have a great many responsibilities that can only be met if their rights are preserved, including coordination among tenants and service providers; managing limited physical space; ensuring the safety of tenants and visitors; protection of tenants' equipment in common equipment rooms; and compliance with safety codes. Needless regulation will not only harm our interests, but those of our tenants, and the public at large.

A building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-tenant building, because only the landlord can coordinate the conflicting needs of multiple tenants and multiple service providers. Large scale changes in society are leading to the proliferation of services and service providers. With such changes, the role of the landlord or

manager and the importance of preserving control over riser and conduit space will only grow. For this reason, we believe that the best approach to the issues raised in the request for comments is to allow the building owners (if they choose) to retain ownership and control over their property -- including inside wiring -- so long as they make sufficient capacity available to meet all the needs of the occupants of the building.

A building has a finite amount of physical space in which telecommunications facilities can be installed. Even if that space can be expanded, it cannot be expanded beyond certain limits, and it certainly cannot be expanded without significant expense. Installation and maintenance of such facilities involve disruptions in the activities of tenants. Telecommunication service providers do not consider such factors because they are not responsible for any ill effects.

We are also concerned about the security of our buildings and our tenants. Telecommunication service providers have no such obligation. Consequently, any maintenance and installation activities must be conducted within the rules established by the building manager, and the building manager must have the ability to supervise those activities. Given the public's justified concerns about personal safety, we simply cannot allow service personnel to go anywhere they please in our buildings.

Finally, we are responsible for compliance with local safety and building codes, and we are the front line in their enforcement. We cannot ensure compliance with such requirements if we do not have control over who does what work in our buildings, or when and where they do it. On several occasions we have found service providers overloading electrical outlets, or using lightweight extension cords to connect equipment.

2. Demarcation Point

The Notice also seeks for comment regarding the need for a common demarcation point, and the location of such demarcation point. We believe that the only criterion for the location of the demarcation point should be the nature of the property, and not the specific technology involved. There should be a uniform demarcation point for all commercial properties. In commercial buildings, the demarcation point should be inside the premises, preferably at the telephone vault or frame room.

3. Connections

The Notice asks whether the FCC should issue technical standards for connections. We believe that government action in this regard is unnecessary.

The Telecommunication industry has already established standards that are generally widely followed, and we believe that it is in the interests of the companies and their customers that they continue to be followed. We are concerned that multiple service providers do, on occasion, damage adjacent equipment, without little recourse or accountability.

4. Regulation of Wiring

We have no comments on the merits of any particular scheme for regulating wiring, because we are not service providers. In general, we think it important to note that there are substantial differences between commercial and residential buildings. We are concerned that the government might impose a huge expense on the telecommunication service providers and building owners by requiring retrofitting of existing buildings.

5. Customer Access to Wiring

We have no objection to permitting a tenant to install or maintain its own wiring or buy wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A Tenant's rights in wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of

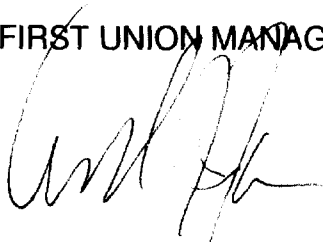
Mr. William F. Caton
March 8, 1996

such wiring. We also believe that the owner of the premises should have a superseding right to acquire or install any wiring. In any cases, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property.

In conclusion we urge the FCC to consider the impact your decisions will have on individual building owners. Thank you for your attention to our concerns.

Sincerely,

FIRST UNION MANAGEMENT, INC.

A handwritten signature in black ink, appearing to read 'Anthony J. Janca', is written over the company name.

ANTHONY J. JANCA
Assistant Vice President
Office Buildings

AJJ/dc